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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/557,371

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Martin Moshal

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20306

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01/12/2009

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EXAMINER

SHAH, MILAP

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/557,371	<b>Applicant(s)</b> MOSHAL, MARTIN	
	<b>Examiner</b> Milap Shah	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/9/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

This action replaces the previous NON-FINAL action mailed May 12, 2008 and restarts Applicant's time period for response. The previous action included an examination of the wrong set of claims as correctly indicated by the Applicant in the response filed June 25, 2008. This NON-FINAL action corrects the inadvertent error and includes the examination of claims 1-15 as filed in a "preliminary amendment" dated November 18, 2005. The Examiner acknowledges that claims 5 and 13 were amended therein. Therefore, claims 1-15 are currently pending.

***Claim Objections***

Claims 3 and 11 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 3 and 11 recite the camera is arranged to capture (claim 3) the image or capturing (claim 11) the image of the player operating the betting terminal "at least once during each turn of any game being played by the player". This limitation appears to be incorporated in claims 1 and 9, which claims 3 and 11 depend on, respectively. Therefore, claims 3 and 11 fail to further limit the subject matter of a previous claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3714

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oles et al. (U.S. Patent No. 2003/0060280; hereafter “Oles”).

**Examiner Note:** In the following rejection, the Examiner has cited particular citations in the reference as applied to the claims for convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other citations and figures may apply as well. Thus, it is respectfully requested that the Applicant, in preparing any response to this communication, fully consider the reference in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passages as taught by the prior art or disclosed by the Examiner. The Examiner is also required to give broad claim limitations their broadest reasonable interpretation in light of the ordinary level of skill in the respective art.

**Claims 1, 3, 9, & 11:** Oles discloses the invention substantially as claimed including a player identification system, comprising:

a betting terminal operable by a player to play at least one game thereon and to place a wager on an outcome of any turn of the game, the outcome of each turn of the game being determined, at least in part, by chance (figures 1-2 and paragraph 0026-0030, where Oles discloses the gaming machine 20 allows play of wager-type games such as poker or slots, which include a chance element);

a camera associated with the betting terminal, the camera being arranged to capture an image of the player operating the betting terminal at least once during each turn of the at least one game (abstract, figures 1-2, paragraphs 0034-0039, 0102, and 0119, where Oles discloses an embodiment in which a wager being inserted into the gaming machine activates camera 32 to capture an image of the user); and

a logging facility that appears to log or store data representative of the image capturing during each turn of the game for a plethora of various reasons (paragraphs 0052 and 0079-0080, where Oles appears to disclose that the security data collection devices, such as camera 32, transmit their data, such as the captured image of a player, to a storage medium and further it appears that such capturing of images occurs during each turn of the game as Oles discloses that over time, the amount of stored information becomes large, thus, older data may be overridden in the local memory, such as storing the past 30 minutes worth of image information from each camera and overwriting earlier image data, nonetheless, a logging facility exists to store at least image data of the play captured by the camera during the turn of the game).

Oles appears to lack an explicit disclosure of the logging facility logging additional historical data such as the size and type of a wager placed for the turn of the game and the corresponding outcome of that turn of the game. Nonetheless, the Examiner submits that game designers having ordinary skill in the art would have found the logging of such data as a common security and verification practice known in the art. Frankly, United States law dictates that each gaming machine must provide a complete historical log of game play for a specified period of time for every turn of the game played on each gaming machine. Such legal requirements include the logging of the size and type of the wager, the outcome of the random number generator (i.e. the outcome of the game), and any associated data pertaining to each particular play of the game. For instance, Oles discloses logging image data captured when a player inserts a wager into the gaming device for various reasons. Consequently, those skilled in the art would have found it not only obvious, but obligatory that the logging facility of Oles also log the size of the wager, the type of the wager, and the outcome of the wagered game, absent any explicit disclosure by Oles. Given such laws, a logging facility as claimed is simply notoriously well known in the art, thus, the

Art Unit: 3714

Examiner finds no specific reason to provide a teaching reference as those skilled in the art, specifically game designers, would recognize that such logging is a necessity for the game to be employed in the United States. Absent any teaching, those skilled would have been motivated not only by the law, but for such reasons as security. For example, gaming machines are known to fault, such as a machine displaying a particular outcome that is significantly different than an actual outcome randomly generated by the gaming machine's random number generator. In such situations, and as the law requires, a game operator may review logged data pertaining to the amount or type of wager, the actual outcome, the amount paid by the gaming machine, or the like to determine what portion of the gaming machine was at fault or perhaps to stop a potential cheater. Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to modify Oles to further require the data collection or logging facility to log at least the size and type of the wager and the corresponding outcome of the wagering game for at least the reasons presented above.

Regarding claim 9, given the system discussed above, it appears claim 9 is a method equivalent to the components of the system as discussed above and their corresponding functions. Thus, Oles as presented above discloses enabling a player to operate a gaming machine, capturing an image of the player during each turn of the game, and logging various historical data as discussed above.

**Claims 2 & 10:** Oles discloses the gaming machine may include a plurality of different selectable games (paragraph 003).

**Claims 4 & 12:** Clearly, it would have been further obvious to log the particular type or title of the current game being played, such as in situations where multiple selectable games are playable on a single gaming machine.

Art Unit: 3714

**Claims 5 & 13:** Oles discloses the logging facility includes a non-volatile storage memory for storing the logged data thereon (figure 3[memory 60]).

**Claims 6 & 14:** Oles appears to disclose the storage memory is configured as a rolling buffer capable of storing logging data relating to a number of the most recent turns of any games played (paragraph 0080, where Oles discloses the latest 30 minutes of game play logging data is stored and older data is overwritten, thus, a rolling buffer may log only recent turns; it should be noted that U.S. law requires a much longer time period for storing logged historical data).

**Claims 7, 8, & 15:** Oles discloses storing logging data in the storage memory such that the stored data may be displayed or played back at a later time, such as displayed on a monitor for review by a gaming operator as discussed above with respect to security. Oles, as modified, would be capable of storing all the required logging data in said storage memory for later use (paragraph 0094).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Applicant is directed to the attached "Notice of References Cited" for additional relevant prior art. The Applicant is requested to review each reference as potentially teaching all or part of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571)272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MBS/

/Scott E. Jones/  
Primary Examiner, Art Unit 3714